

Claims 1-20 have been rejected under 35 USC 103(a) as being unpatentable over **Makinen et al.** (US 5,758,067) provided by the application, in view of **Harari et al.** (US 5,887,145). Makinen et al. discloses a method of automatically backing up data from a computer based on prearranged scheduling. Harari et al. discloses employing a peripheral card which is removably coupled externally to a host system. The peripheral card is partitioned into a mother card portion and a daughter card portion. The daughter card is removably coupled to the mother card. The daughter card is the memory portion and contains flash EEPROM chips and it is controlled by a memory controller on the mother card, or optionally on the host system. Nowhere do either of these references disclose an automatic backup system wherein the backup procedure is automatically commenced by the insertion alone of the backup device into a port of the computer or host system. While Makinen et al discloses a backup method, the backup method is on a prescheduled basis and does not automatically occur upon the insertion of a backup device into the computer. If the backup device is inserted into the computer employing the Makinen et al. system, no backup will occur until the scheduled day and time have arrived. Harari et al. does not address backing up and clearly would not be used for backing up since the Harari et al. invention is directed to using a peripheral card as the memory for the host system. To backup the Harari et al. system, one has to backup the daughter card and Harari et al. fails to teach how that is to be performed. Applicant has no idea how backup would be performed under the Harari et al. system.

The Examiner states it would have been obvious to one with ordinary skill in the art to include all the claimed operations of scanning for devices connected to the PCMCIA port, recognizing ABS unit inserted to the PCMCIA port, launching the automatic backup procedure, scanning all source files and comparing the files on the ABS for changes by determining space required for backing up data and space available ABS making a file-by-file transfer of the changes to the ABS unit if space is available on the ABS since the computer has to recognize the presence

to the ABS unit if space is available on the ABS since the computer has to recognize the presence of the ABS before launching the automatic backup and only files that have changed need be backed up again in the ABS, provided space is available on the ABS.

Applicant admits that there are several standard backup procedures in use. However, the backup method of the claims is a novel method. Nowhere in the prior art is it taught or suggested that backing up can be or should be done automatically upon insertion of the backup device into the computer without further intervention or commands. The claimed method is simplicity in itself. Whenever the operator of the computer wishes to backup, the operator merely inserts the backup device into a computer port and the computer automatically carries out all the operations. No scheduling is required. No commands need to be entered. In order for the prior art to obviate the patentability of an invention, the prior art must have some teaching or suggestion to lead one ordinarily skilled in the art to the claimed invention. The prior art fails to do this.

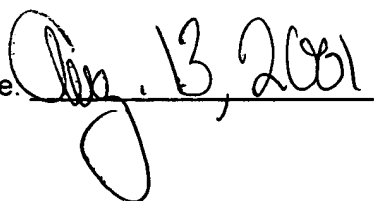
With regard to dependent Claims 22-39, these claims are read in combination with the steps of Claim 1. For example, the steps of Claim 22 are read with the steps of Claim 21. The prior art does not teach the unique steps of Claim 21. The additions of steps of Claim 22 to the steps of Claim 21 does not make combination of Claim 22 obvious. Thus, even if some of the steps recited in the individual dependent claims are known in the art, the combination of these steps with the steps of Claim 21 are not known and are not obvious.

With regard to Claim 40, the Examiner states that Makinen et al. discloses an automatic backup system. The Examiner admits that Makinen does not specifically show that the system performs all the claimed operations. The Examiner argues that it is well-known in the art to connect a backup system to a computer as shown by Harari et al. and therefore it would have been obvious to one of ordinary skill in the art to include all the claimed operations of scanning and detecting a device connected to a port of the computer, identifying the automatic backup

system, automatically launching a backup procedure by implementing the system of Makinen in order to backup files changes to a system connected to the computer through a port, etc. The applicant does not deny that backup devices have been connected to a computers. However the step of automatically initiating backup upon connecting the backup device to the computer has never been taught or used in the prior art. This step is the essence of the invention and it is not obvious in view of the prior art. Nowhere is it suggested that a backup system should be automatically initiated upon inserting the backup device into a port of a computer. The prior art teaches the use of scheduling and/or operator commands to initiate backup.

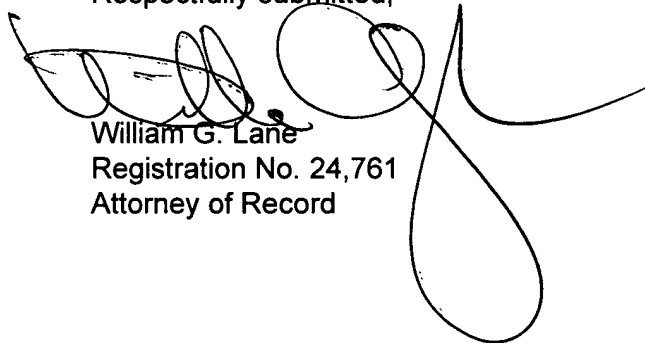
In view of the above-identified amendment and in light of the above remarks, it is respectfully submitted that the application is in condition for allowance and a favorable action is solicited.

Date.

 13, 2001

WILLIAM G. LANE, INC., P.C.
16485 Laguna Canyon Road, #250
Irvine, California 92618
Tel. 949-585-0348
Fax. 949-585-0494

Respectfully submitted,


William G. Lane
Registration No. 24,761
Attorney of Record